IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

Bail Appl..No. 4037 of 2007()

CRMP.2210/2007 of DISTRICT COURT, PALAKKAD

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(CRIME NO.94/07 OF KOLLENGODE POLICE STATION, PALAKKAD)

: PETITIONER/ACCUSED

BHASKARAN, S/O. PAZHANIMALA,
AGED 32 YEARS, KONGAMCHATHI, NENMANI POST,
KOLLENGODE, CHITTUR TALUK.

BY ADV. SRI.V.M.KRISHNAKUMAR

RESPONDENTS: STATE & COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
KOLLENGODE POLICE STATION, PALAKKAD.

BY PUBLIC PROSECUTOR P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.4037 Of 2007

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Dated this the 4th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations, inter alia, under Section 326 IPC. The alleged incident took place on 16.4.07. The accused persons, three in number had allegedly wrongfully restrained the victim and had assaulted them. They were armed with dangerous weapons like choppers. All the three accused persons had allegedly indulged in the overt acts. The petitioner is the 2nd accused and has not been arrested so far. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The 1st accused has already been granted directions under Sec.438 Cr.P.C. The petitioner may also be permitted to surrender before the Investigating Officer and seek regular bail, submits learned counsel for the petitioner.

3. The petitioner is, in law, entitled to surrender before the Investigating Officer or the learned Magistrate having jurisdiction. No specific or special directions of this Court appear to be necessary. There are no circumstances suggesting the need for invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. I note

from the order passed in favour of the 1st accused that anticipatory bail was not granted to him. This is a fit case where the petitioner must appear before the Investigating Officer or the learned Magistrate having jurisdiction and seek regular bail in the ordinary course.

4. In the result, this petition is dismissed. I may however, hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE